

BLANKENBERGER BROTHERS
HOLDINGS, LLC, and HOOSIER
KING COAL COMPANY,

Plaintiffs,

vs.

BRONCO COAL COMPANY,

Defendant.

ORDER ON DEFAULT JUDGMENT

Defendant Bronco Coal Company having failed to obtain counsel as required by this Court's January 12, 2011 Order [Dkt. No. 307], the Court concludes that default judgment against Defendant is appropriate.

THEREFORE, it is **ORDERED, ADJUDGED, and DECREED** that on Count I of the the Amended Complaint and its Promissory Note dated December 26, 2005 in the principal amount of \$1,000,000.00, judgment is entered in favor of Plaintiff Blankenberger Brothers Holdings, LLC, and against Defendant Bronco Coal Company in the amount of \$1,407,232.61, including interest at 8% per annum through January 31, 2011;

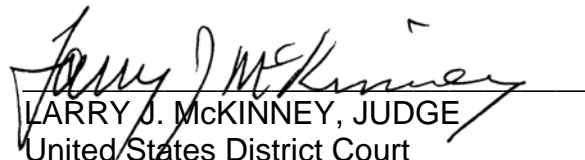
It is further **ORDERED, ADJUDGED, and DECREED** that on Count II of the Amended Complaint and its Promissory Note dated December 26, 2005 in the principal amount of \$187,500.00, judgment is entered in favor of Plaintiff Blankenberger Brothers Holdings, LLC, and against Defendant Bronco Coal Company in the amount of \$263,855.97, including interest at 8% per annum through January 31, 2011;

It is further **ORDERED, ADJUDGED, and DECREED** that on Count III of the Amended Complaint and its Promissory Note dated December 26, 2005 in the principal amount of \$1,000,000.00, judgment is entered in favor of Plaintiff Hoosier King Coal Company and against Defendant Bronco Coal Company in the amount of \$1,407,232.61, including interest at 8% per annum through January 31, 2011;

It is further **ORDERED, ADJUDGED, and DECREED** that on Count IV of the Amended Complaint and the Promissory Note dated December 26, 2005 in the principal amount of \$187,500.00, judgment is entered in favor of Plaintiff Hoosier King Coal Company and against Defendant Bronco Coal Company in the amount of \$263,855.97, including interest at 8% per annum through January 31, 2011;

It is further **ORDERED, ADJUDGED, and DECREED** that on Count V of the Amended Complaint and their Promissory Note dated December 26, 2005 in the principal amount of \$3,000,000.00, judgment is entered in favor of Plaintiffs Blankenberger Brothers Holdings, LLC, and Hoosier King Coal Company and against Defendant Bronco Coal Company in the amount of \$4,221,698.40, including interest at 8% per annum through January 31, 2011.

IT IS SO ORDERED this 8th day of February 2011.


LARRY J. McKINNEY, JUDGE
United States District Court
Southern District of Indiana

Distribution attached.

Distribution to:

Jeff M. Barron
BARNES & THORNBURG LLP
jeff.barron@btlaw.com

Sara R. Blevins
LEWIS & KAPPES
sblevins@lewis-kappes.com

Cory Stephen Brundage
cb@brundagelaw.com

Peter S. French
LEWIS & KAPPES
pfrench@lewis-kappes.com

Jeanne M. Hoffmann
BRYCEDOWNEY LLC
jhoffmann@brycedowney.com

Gary P. Price
LEWIS & KAPPES
gprice@lewis-kappes.com

Frank C. Rowland
BRYCEDOWNEY, LLC
frowland@brycedowney.com

Richard A. Saldinger
SHAW GUSSIS FISHMAN GLANTZ WOLFSON & TOWBIN LLC
rsaldinger@shawgussis.com